

The *Virginia Outdoors Plan* (VOP) is the state's official conservation, outdoor recreation and open space plan. It is intended to serve as a guide to all levels of government and the private sector in meeting the conservation, outdoor recreation and open space needs of Virginia. Implementing recommendations in this plan can ensure that the rich outdoor heritage for which Virginia is known is passed on to future generations. In addition, the VOP meets the criteria the National Park Service requires for Virginia to participate in the Land and Water Conservation Fund (LWCF) program. This program provides 50% matching funds to state agencies and localities for the acquisition and development of outdoor recreation resources.

The plan also serves as a guidance document for protection of lands through actions of the Virginia Land Conservation Foundation (VLCF). Important natural, cultural and open space resources are identified in each of the 21 planning regions of the state. Identification of these resources in the 2007 VOP is one of the tools that assist VLCF trustees in ranking and selecting projects for funding. It also helps conservation organizations working with VLCF to target those areas and resources that are most important or threatened as they develop land conservation strategies. For the first time, the 2007 VOP will include a conservation lands component designed to meet the needs of the VLCF.

The VOP identifies resources, organizations and partners responsible for managing outdoor recreation, open space and conservation lands. The public does not often distinguish between the levels of government and providers of parks and open space; therefore, the cooperation and interface of the entities responsible for outdoor recreation are essential in providing comprehensive opportunities responsive to the needs of the Commonwealth. The 2007 VOP helps to convey comprehensive information about outdoor resources, thereby facilitating the interface of a number of partners and providers of facilities and services.

Legal authority

The legal authorities for Virginia to develop a broad-based land conservation and recreational usage plan may be found in multiple locations within both federal and state code.

The Federal Land and Water Conservation Fund Act of 1965 (Title 16 U.S.C., Chapter 1, Subchapter LXIX, Part B, 4601-4 et seq.) establishes the Land and Water Conservation Fund. Section 4601-8(d) specifies "[a] comprehensive statewide outdoor recreation plan shall be required prior to the consideration by the Secretary [of Interior] of financial assistance for acquisition or development projects." The plan shall contain "an evaluation of the demand for and supply of outdoor recreation resources and facilities in the State" as well as "a program for the implementation of the plan..." "For fiscal year 1988 and thereafter each comprehensive statewide

outdoor recreation plan shall specifically address wetlands within that State as an important outdoor recreation resource." Payments may be made to the States for outdoor recreation for the following activities: (1) planning, (2) acquisition of land, waters, or interests in land or waters, or (3) development. The Land and Water Conservation Fund program provides 50% matching money to state agencies and localities for the acquisition and development of outdoor recreation areas.

The legal authority for Virginia to participate in the Land and Water Conservation Fund program was originally contained in § 10-21.8(3) of the *Code of Virginia*, which created the Commission of Outdoor Recreation. This authority was transferred to the Department of Conservation and Recreation in July of 1983. Section 10.1-200 of the *Code of Virginia* calls for the department to "establish and implement a long-range plan for acquisition, maintenance, improvement, protection and conservation for public use of those areas of the Commonwealth best adapted to the development of a comprehensive system of outdoor recreational facilities in all fields, including, but not limited to: parks, forests, camping grounds, fishing and hunting grounds, scenic areas, waters and highways, boat landings, beaches and other areas of public access to navigable waters." It also states that the department shall have the power and duty to "[s]tudy and appraise on a continuing basis the outdoor recreational needs of the Commonwealth; assemble and disseminate information on outdoor recreation; and prepare, maintain and keep up-to-date a comprehensive plan for the development of outdoor recreational facilities of the Commonwealth."

The Virginia Department of Conservation and Recreation, through its Division of Planning and Recreation Resources, is the official state office to "create and put into effect a long range plan for the acquisition ... and development of a comprehensive system of outdoor recreation facilities." As this document is the comprehensive outdoor plan for the Commonwealth, § 10.1-207 of the *Code of Virginia* specifies that "[a]ll departments, commissions, boards, agencies, officers, and institutions of the Commonwealth, or any political subdivision thereof and park authorities shall cooperate with the Department in the preparation, revision and implementation of a comprehensive plan for the development of outdoor recreational facilities, and such local and detailed plans as may be adopted pursuant thereto." The VOP constitutes the official State Comprehensive Outdoor Recreation Plan (SCORP) for Virginia.

In addition to the federal and state code authorities outlined above that originally guided the development of the plan from an outdoor recreational perspective, the *Code of Virginia* has provided additional guidance in recent years to expand the scope of this plan, calling for the development of a comprehensive land conservation plan. The essence of this plan is embodied in Title 10.1, Chapter 10.2 of the *Code*

of *Virginia* entitled “Virginia Land Conservation Foundation” (§§ 10.1-1017 et seq.). The foundation was established to administer a fund for the purpose of “[a]cquiring fee simple title to or other rights, interests or privileges in property for the protection or preservation of ecological, cultural or historical resources, lands for recreational purposes, state forest lands, and lands for threatened or endangered species, fish and wildlife habitat, natural areas, agricultural and forestal lands and open space” and for “[p]roviding grants to state agencies, including the Virginia Outdoors Foundation, and matching grants to other public bodies and holders for acquiring fee simple title to or other rights, interests or privileges in real property for the protection or preservation of ecological, cultural or historical resources, lands for recreational purposes, and lands for threatened or endangered species, fish and wildlife habitat, natural areas, agricultural and forestal lands and open space.”

In an effort to ensure that funds are expended in a guided manner, § 10.1-1021 subsection 1 of the *Code of Virginia* directs the Virginia Land Conservation Foundation to prepare a comprehensive plan “...that recognizes and seeks to implement all of the purposes for which the Foundation is created.” In the process of developing this comprehensive plan, the *Code of Virginia* directs the foundation to:

- 1) develop a strategic plan for the expenditure of unrestricted moneys;
- 2) develop an inventory of those properties in which the Commonwealth holds a legal interest “for the protection or preservation of ecological, cultural or historical resources, lands for recreational purposes, state forest lands, and lands for threatened or endangered species, fish and wildlife habitat, natural areas, agricultural and forestal lands and open space”; and
- 3) develop a needs assessment for the future considering the reports and information listed in subsection 1c. Subsection 1c specifies that “In developing the needs assessment, the Board of Trustees shall consider among others the properties identified in the following: (i) *Virginia Outdoors Plan*, (ii) *Virginia Natural Heritage Plan*, (iii) *Virginia Institute of Marine Science Inventory*, (iv) *Virginia Joint Venture Board of the North American Waterfowl Management Plan*, and (v) *Virginia Board of Historic Resources Inventory*. In addition, the Board shall consider any information submitted by the Department of Agriculture and Consumer Services on farmland preservation priorities and any information submitted by the Department of Forestry on forest land initiatives and inventories.”

The foundation determined that an expanded *Virginia Outdoors Plan* would substantially meet the requirements of the comprehensive plan it is directed to prepare under §10.1-1021 of the *Code of Virginia*. The *Virginia Outdoors Plan*, prepared by the Department of Conservation and Recreation, was therefore selected to become the foundation document for the development of the state's official plan for the protection and conservation of Virginia's important natural, outdoor recreational, and open space resources.

The elements of this plan are developed with assistance from a task force. Section 10.1-1018(E) of the *Code of Virginia* states that “[t]he Board shall seek assistance in developing grant criteria and advice on grant priorities and any other appropriate issues from a task force consisting of the following agency heads or their designees: the Director of the Department of Conservation and Recreation, the Commissioner of Agriculture and Consumer Services, the State Forester, the Director of the Department of Historic Resources, the Director of the Department of Game and Inland Fisheries and the Executive Director of the Virginia Outdoors Foundation. The Board may request any other agency head to serve on or appoint a designee to serve on the task force.” Additionally, § 10.1-1026 of the *Code of Virginia* establishes that “[a]ll state officers, agencies, commissions, boards, departments, institutions and foundations shall cooperate with and assist the Foundation in carrying out its purpose and, to that end, may accept any gift or conveyance of real property or interest therein or other property in the name of the Commonwealth from the Foundation. Such property shall be held in possession or used as provided in the terms of the trust, contract or instrumentality by which it was conveyed.”

In addition to the authorities outlined above for agencies of the Commonwealth to participate in the development of the plan, many of these agencies also have individual land and cultural preservation legislative authorities for implementation of the plan's components.

Beyond the legal authorities to develop this plan, the increasing desire of the citizenry of Virginia to preserve the Commonwealth's natural and historic landscape is a fundamental factor in the development and continued evolution of this document. Virginia's land trusts have called for the development of a land conservation plan to aid them in the planned preservation of land. The 2007 *VOP* meets those growing needs and provides a foundation for statewide cooperative partnerships with these conservation organizations.